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List of issues in relation to the second periodic report of the Czech Republic

Addendum

Replies of the Czech Republic to the list of issues*

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* The present document is being issued without formal editing.

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The Czech Republic's answers to the questions in the list of issues related to the second periodic report under the International Covenant on Economic, Social and Cultural Rights

I. General information

Answer to question 1

1. Being a ratified international treaty, the International Covenant on Economic, Social and Cultural Rights is a part of the legal order and has precedence over national law. According to the Constitution, the Courts are bound in their decision making by these international treaties including the Covenant. In specific cases the Constitutional Court cited the right to free primary education (Art. 13, para. 2(a) of the Covenant) in the assessment of its possible restrictions and the range of related services, the right to adequate standard of living or adequate housing (Art. 11, para. 1) when assessing the regulation of rents for flats or the character of dignified housing, the right to work (Art. 6, para. 1) when assessing the precedence of employment relationships over commercial law relationship, the right to strike (Art. 8, para. 1 (d)) when assessing the restriction of this right, the right to enjoyment of the highest attainable standard of physical and mental health (Art. 12, para. 1) when assessing the obligatory membership of doctors in the Czech Medical Chamber as specialist self-government body supervising among others also the quality of provided medical services or the right to fair pay for work (Art. 7 (a)) when assessing the compulsory public service for job applicants receiving related benefits.

2. When dealing with issues related to economic, social and cultural rights the Constitutional Court observes relevant provisions of the Charter of Fundamental Rights and Basic Freedoms (hereinafter only as the "Charter"), which is a part of the constitutional order and its Head IV regulates economic, social and cultural rights more or less identically to the Covenant. In the past years the Constitutional Court focused intensively on e.g. the issue of employee protection and the restriction of the employers' rights in labour law including the role of trade unions, sick benefits at the start of illness, healthcare payments, adequate pensions in relations to past incomes or the division of healthcare into standard and above-standard. Rich judicature also exists regarding the issue of the right of the child to upbringing in a family environment and relations with both parents.

3. The Supreme Administrative Court also e.g. cited the right to adequate standard of living or adequate housing (Art. 11, para. 1) when assessing the legality of tax concessions for some flat transfers or the general principles of solidarity and development and upholding of the rights of a human being free from fear and want pursuant to the Covenant's Preamble.

4. The Supreme Court also focused on the right to adequate standard of living or adequate housing (Art. 11, para. 1) when assessing the regulation of rents of flats and the right to education as well as the issue of discrimination in access to education. The decisions of lesser courts are not centrally monitored; nevertheless they are also bound by the Covenant and the Charter and other international treaties and must respect them in their decision-making. The Covenant and the Charter are also often used for argumentation by parties in court proceedings.

Answer to question 2

5. The main independent institution for the protection and promotion of human rights is the Ombudsperson, who fulfils the majority of the Paris Principles within his or her work. The authority of the Ombudsperson is regulated by a special law. His or her main goal is to check that the public administration works in accordance to the principles of good governance. The Ombudsperson cannot directly interfere with the actions of the administrative bodies or annul or change their decisions and does not have a quasi-judicial authority. However, he or she can perform independent investigations and give recommendations to rectify the mistakes and shortcomings. The authorities have an obligation to cooperate with the Ombudsperson, to fulfil his or her recommendations and to inform him or her about their correcting measures. If that is not the case the Ombudsperson informs the superior bodies, the government or the public via press releases and the publishing of his or her findings. He or she also supervises places for people with restricted personal liberty pursuant to the OP-CAT. Another role of the Ombudsperson is also to combat discrimination and monitor the expulsion of foreigners regarding the protection of their rights.

6. The Ombudsperson is elected for a 5-year period by the Chamber of Deputies, to which he or she is responsible. He or she is independent on any other body and has his or her own office, which is financially independent, operates permanently and fulfils his or her legal tasks. He or she also regularly informs the Chamber of Deputies about his or her activities in quarterly and annual reports as well as in cases where the situation has not been remedied. The Ombudsperson also publishes all this and other information about his or her activities on his or her website.

7. Based on his or her activities the Ombudsperson may also formulate recommendations regarding changes in law, government policies or administrative procedures, which may subsequently be presented to the government and the Chamber of Deputies. The Ombudsperson also often analyses draft government policies and legislative measures during their preparation and comments them regarding the protection of human rights. The Ombudsperson also cooperates with academic institutions and NGOs, conducts research and organizes expert conferences regarding the issues he or she is dealing with and publishes expert opinions and handbooks, which are also available on his or her website.

8. In the activities within his or her legal authority the Ombudsperson also focuses on economic, social and cultural rights. Within the supervision of the state administration he or she primarily focuses on administrative proceedings related to access to economic, social and cultural rights, i.e. e.g. policy of employment, inspection of working conditions, social security and welfare, social and legal protection of children, investigation of complaints within healthcare, provision of education etc., where he or she oversees that these proceedings are carried out in compliance with the law and the principles of good governance and that they contribute as much as possible to the fulfilment of the rights of the affected persons.

9. In his or her function as a controlling mechanism pursuant to the OP-CAT he or she contributes, mainly via recommendations to ensure dignified conditions in facilities for people with restricted personal liberty, to the fulfilment of the right to adequate standard of living and the right to enjoyment of the highest attainable standard of physical and mental health. Within his or her anti-discriminatory authority he or she deals with discrimination in access to economic, social and cultural rights, specifically regarding the right to employment and access to employment or self-employment, including remuneration, social security and social benefits, healthcare, education and the provision of goods and services, including housing, if they are offered to the public, which includes the access to cultural and scientific goods and services. Within the supervision of expulsions of foreigners the Ombudsperson monitors material conditions and thus the social rights of foreigners,

primarily again the right to adequate standard of living and the right to enjoyment of the highest attainable standard of physical and mental health. The Ombudsperson then may reflect his or her findings regarding these issues in his or her recommendation and initiate changes in law or administrative procedures so as to improve the protection of economic, social and cultural rights. Statistical data can be found in Annex 1. The economic, social and cultural rights are also the focus of activities of other bodies mentioned in the report, such as e.g. the Committee on Economic, Social and Cultural Rights of the Government Council for Human Rights.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2, paragraph 2 – Non-discrimination

Answer to question 3

10. The supervisory activities in the employment sector, i.e. including the violation of the prohibition of discrimination and unequal treatment by individual employers have been transferred from the labour offices to the National Labour Inspection Office and regional labour inspection offices on 1 January 2012. The supervisory activity is performed according to a set schedule of checks as well as based on written petitions. The results of the conducted inspections showed that the employers most often violated the principles of equal treatment in remuneration, where they did not provide equal pay to all employees for identical work or work of similar value. The National Labour Inspection Office does not have information about the reasons of the frequency of written petitions. Apart from the inspection office the victim of discrimination in labour law or other relationships according to the Antidiscrimination Act may turn to the court with an action to cease anti-discriminatory behaviour and to remove its effects and to receive adequate satisfaction including monetary compensation for non-pecuniary damage. The Ombudsperson provides methodological aid to discrimination victims when submitting requests to start discrimination proceedings. The National Labour Inspection Office cooperates with the Ombudsperson's office in matters of discrimination and they share knowledge and experience.

11. Discrimination in social security, social aid and access to education, which are provided by the public authorities, is handled within administrative proceedings, where the principle of equal treatment applies and each petitioner has the right to equal treatment and the observance of legal procedures. In case of violation of this prohibition the petitioner has the right to appeal or to file an administrative action with the court. The proceedings are held by appropriate bodies such as labour inspectorates, the Ministry of Labour and Social Affairs, regional authorities dealing with healthcare and education, the Ministry of Education, Youth and Sports or the Czech School Inspectorate. As for trade union rights, access to housing, goods or services, healthcare or scientific or cultural goods, these are private law activities performed by private entities and in case of discrimination regarding the access to them it is possible to file a civil action with the court as described above. Specific data is available in Annex 2.

Answer to question 4

12. The Czech law considers racist propaganda and racially motivated attacks as crimes. The new Criminal Code from 2009 enables to punish racially motivated crimes against national or ethnic minorities. These are attacks against a group of citizens or an individual, dangerous threats, stalking, defamation of a nation, race, ethnic or other group of people

and inciting hatred against a group of people or restrictions of their rights and freedoms. The most severe crimes against national, ethnic, religious or other groups are punished as crimes against humanity such as genocide, apartheid and discrimination of a group of people, persecution of inhabitants, inciting, supporting and propagating movements whose goal is to repress the rights and freedoms of people and sympathising with such movements. For many crimes the racial motive is considered to be a qualified element of the crime with increases mandatory sentences. Apart from crimes directly aimed at the punishment of racial attacks the racial motive is considered to be an aggravating circumstance by all other crimes and results in harsher sentences. This means that any crime committed based on racial or similar motives will result in a harsher punishment by the court to express its extraordinary despicability. The due investigation of all circumstances of racially motivated crimes is also important. In cases of crimes based on racial, national, religious or other hate, the state prosecutors have to exercise increased caution to observe that all actions necessary to ascertain the motive of the perpetrator are taken even if this motive is not an element of the crime.

13. The Czech Police cooperates with the Ministry of Interior and intelligence services in combatting racially motivated crime. The experts from the Unit for Uncovering Organized Crime conducted a series of actions against the top representatives of the extremist scene, which led to its significant paralysation. In 2012 there were a total of 52 registered racially motivated crimes against the Roma. This represents a drop from 2011, when 69 crimes were registered. These crimes represent a 30.1% share in the total number of crimes with extremist undertones. They are usually crimes of sympathising with movements whose goal is to repress the rights and freedoms of people, defamation of a nation, race, ethnic or other groups of people and violence against an individual or a group. More detailed information is available in Annex 3. To prevent the infiltration of security corps by extremists the regional police directorates perform screening of applicants for membership in the Fire Departments, Czech Army and Czech Police. The Prison Service and the Customs Administration have individual measures to prevent infiltration by extremists.

14. Apart from the criminal punishment of individual cases the government annually prepares a Strategy of Combatting Extremism and presents the annual report on its fulfilment to the Parliament. The report informs about the development of the extremist scene in the given year and the Strategy contains measures for the following year. The Strategy does not contain only repressive measures, but primariiy preventive measures to prevent the birth and spread of extremism including activities aimed at children and the youth. In recent years due to the fulfilment of the Strategy the infiltration of security corps by extremists has been prevented and the number of extremist concerts and demonstrations has been severely restricted.

15. The Strategy of Crime Prevention 2012-2015 also focuses on the elimination of racially, nationally and religiously motivated crimes. The goal of this strategy, apart from the prevention of racism and xenophobia, is to support the coexistence of the majority society with ethnic minorities and thus decrease the substitute motives of extremist attitudes and demonstrations. Among the measures in the Strategy is e.g. the Programme of Prevention of Crime and Extremism – Dawn", which supports the positions of crime prevention assistants within the municipal police and the positions of liaison officers for minorities within the Czech Police. The assistants are selected from inhabitants of socially excluded localities (often among the Roma) and after their training they participate in increasing the standard of security and upholding of public order. The Ministry of Interior also offers consultations and aid to the municipalities regarding crime prevention or in dealing with conflicts or the services of police liaison officers for minorities.

16. Within the methodological activities expert opinions, expert assessments and decisions related to extremism have been gathered for the use of the Police. The Ministry of Interior prepared two materials aimed at perpetrators of extremist crimes. The first was the "Analysis of Available Court Decisions concerning Perpetrators of Extremist, Racially Motivated and Xenophobic Violent Crimes", which gathered information regarding racially motivated crimes, their perpetrators, victims and imposed punishments. This analysis was followed by the "Qualitative Description of the Psychology of the Perpetrator of Extremist, Racially Motivated and Xenophobic Crimes", the goal of which was to enrich the statistical data with a qualitative description of the personality of the perpetrator of extremist, racially motivated and xenophobic crimes. Recommendations on how to better understand the extremist, racially motivated and xenophobic criminal activity were included in the conclusions of both documents.

17. Part of the prevention is also to denounce any racially or otherwise extremist motivated violence or its incitement by anybody. Within the government this agenda falls primarily to the Government Commissioner for Human Rights as the main person entrusted to deal with the issues of human rights including the rights of the Roma and other ethnic minorities. The Commissioner in her public appearances and press releases has always condemned any verbal or physical manifestations of racism and intolerance and encourages the state authorities to act harshly against their perpetrators. She also reminds that violence and hatred never lead to solution of problems and instead to their deepening. This tradition will now be continued by the Minister for Human Rights.

Answer to question 5

18. In 2006, in the mentioned GAC analysis "Analysis of Socially Excluded Roma Localities and the Absorption Capacity of Subjects Active in this Area " 330 socially excluded Roma localities were identified in 164 municipalities. The estimated number of inhabitants of these localities is 80 – 100 000 with a significant share of those being Roma. According to qualified estimates the number of localities in the Czech Republic increased as well as the number of their inhabitants and the estimated number of localities in the Czech Republic is now as high as 400. New analysis of the socially excluded localities will be prepared in early 2014.

19. To solve social inclusion at the local and central level, the Agency of Social Inclusion has been established in 2008. Its goal was to improve the lives of inhabitants of socially excluded Roma localities, prevent the spread of the localities and contribute to the full integration of their inhabitants into society and ensure equal access of all persons to education, housing, healthcare, employment, social services and security. In 2010-2012 the Agency executed a project aimed at the support of social inclusion in selected Roma localities, where it provided expert counselling, helped the municipalities with social inclusion and spread examples of good practice. The municipalities could cooperate with the Agency in local partnerships together with NGOs, authorities, schools, the Czech Police and other subjects on projects of municipal development and integration of inhabitants and with its help apply for funding. Within this project the Agency operated in 33 localities and prepared 25 local strategies of social integration. Based on its operation the Agency prepared the Strategy of Combatting Social Exclusion 2011–2015, which contains measures regarding the social inclusion of the Roma. In 2012 the government extended the Agency's operation until the end of 2015. In 2013-2015 the Agency realizes a follow-up project on the previous project where other municipalities were invited to cooperate. At present the Agency cooperates with 17 new municipalities. More detailed information on this topic is also included in the answer to question 15.

20. The monitoring of progress in the integration of Roma is dependent on the gathering of data on the impacts of individual policies. Gathering information about the number of

Roma is possible either via their explicit acknowledgment of their nationality or via a non-personalized survey, where the nationality is inquired without identifying the specific person and is assigned by other persons based on external characteristics regardless of the opinion of the person itself. This may lead to differences between subjective and objective perception of the ethnic origin. Both methodologies may be combined. The first method is performed primarily via census, where the Czech Republic inhabitants have the option to freely claim allegiance to a certain nationality. The second method is used in surveys, where experts present qualified estimates of the persons' nationality. These surveys will be conducted more systematically in the future within the support of applied social sciences research, where the impacts of state supported projects on the situation of socially excluded Roma will be monitored and the results will be made available to state authorities for further use within the Roma integration. The data on selected areas are included in Annex 4.

21. Regarding employment, the government applies measure of active employment policy (AEP) for disadvantaged job applicants towards the Roma mentioned in the answer to question 9. The Labour Office prepares in cooperation with the applicant an individual action plan, which includes the procedure, time schedule and assessment of fulfilment of steps leading to the improvement of their chances of success in the labour market. When determining the contents of the plan the applicant's qualification, health, skills and abilities are taken into account. The plan is created by the labour office each time an applicant is registered at the labour office for more than five continuous months. Individual approach to the creation and conclusion of the plan ensures that the office will respect the situation of the Roma minority and will adjust it accordingly. The Ministry of Labour and Social Affairs conducts annual questionnaire survey at the Czech Labour Office and by using qualified estimates determines the participation of Roma applicants in AEP and their success rate in the labour market. A system of transitional employment is used to support the employment rate in socially excluded localities along with the system of employing long-term unemployed people within municipal public contracts. The system of transitional employment will allow the combination of the employment policy tools, their logical continuity and care for employed applicants. The state and municipalities create positions for public service and community service and provide funding to public and private subjects to create jobs in public service and to develop social services helping the job applicants to succeed on the labour market.

22. The key factor for dealing with the unfavourable housing situation of the disadvantaged Roma is to increase the availability of housing for low-income Roma households, thorough promotion of equal access to housing and early prevention of its loss. In order to improve the housing situation of endangered groups the Czech government adopted in 2011 the Concept of Housing in the Czech Republic until 2020. The Concept sets as the main goal the preparation of a complex solution of social housing by using the institute of the housing need of persons, whose housing needs are not satisfied. The system of social benefits for housing will be analysed and complex competences of municipalities in housing matters will be implemented. The system of housing subventions will be improved so that social housing could be provided by the largest possible range of subjects.

23. Currently the social housing is not being provided centrally by the state. Only certain municipalities or NGOs and in rare cases other private subjects provide social housing on their own initiative, often with direct state subventions. Since 2003, the Ministry for Regional Development implements two programs aimed at low-income or otherwise disadvantaged households (e.g. due to health or other social reasons). Regarding the Roma this is mainly the programme "Support of the Building of Subsidised Flats" (starter and caretaker flats). Starter flats are social flats, which should be primarily rented to persons living in socially excluded Roma localities and families with endangered children living in unsatisfactory housing. Any legal entities including municipalities and natural

persons – entrepreneurs are eligible to apply for subsidies. Unfortunately there are no precise data regarding the number of low-income Roma families living in these subsidised flats. The Ministry for Local Development provides long-term support for the activities of NGOs that provide counseling regarding housing. The state also provides welfare benefits for low-income groups to help them pay the costs of housing, which are mentioned in answers to questions 12 and 14.

24. Regarding the protection of children and families, the Czech government approved the National Strategy of Protection of the Rights of Children – the Right to Childhood in 2012. In January 2013, the amended law on the social and legal protection of children came into force, which stipulated that one of the key aspects of the operation of bodies of social and legal protection of children is not only the narrowly defined best interest of the child, but also the protection of parenthood and the family and the mutual right of the parents and children to parental education and care. In cases where the bodies of social and legal protection of children submit requests for measures, which interfere with parental responsibility to the child, they must assess in depth that the reason is not material or housing need of the family. The new Civil Code also directly prohibited imposing institutional education of children due to material or housing need.

25. The programme Health and Social Aid functions within the field programmes of the DROM Roma centre as a social service at the local level since 2006 One of the main goals of this programme is to reduce differences in the health condition caused by social conditions of the socially excluded Roma. In 2010 the Ministry of Health issued a publication Patient's Guide, which contributed to better orientation of the patients when in contact with medical services. The Minister of Health also informed relevant medical facilities, doctors and medics about the importance on following the valid legal provisions and ethical principles in healthcare and the possibilities of their further education.

26. The education of the Roma is supported in several ways. The final year of the kindergarten is free. Children from low-income families may also be absolved from all kindergarten fees. Prior to the start of the school education the disadvantaged children may attend preparatory classes at primary schools in order to gain the necessary knowledge and skills. These classes are also free. During the school education the disadvantaged children receive help from assistant teachers. Their task is to help the pupils to adjust to the school environment and to cooperate with pupils, parents and teachers in dealing with everyday problems of children with special educational needs. One of the tools that soften the financial demands of education is the programme of the Ministry of Education, Youth and Sports Support of Roma Secondary School Students, whose families have problems with education-related costs. Apart from the Roma origin of the pupils the rate of social disadvantage and social needs of the pupils are also taken into account. The programme is divided into half-terms and in each half-term the pupil may receive up to 7,000 CZK. During university studies the socially disadvantaged pupils may use the support provided to universities for the support of their studies, be it scholarships or other forms of support.

Answer to question 6

27. The National Plan of Support and Integration of Persons with Disabilities 2006-2009 was adopted in 2005 as a fourth document formulating the state policy in relation to persons with disabilities. Currently the National Plan for Creating Equal Opportunities for Persons with Disabilities 2010-2014 is being fulfilled and this year works will commence on the preparation of a new one. The plans are also being prepared in close relation to the Convention on the Rights of Persons with Disabilities and always with active participation of representatives of persons with disabilities.

28. The persons with disabilities have the right to work rehabilitation aimed at gaining and keeping suitable employment. Work rehabilitation is provided free of charge based on

individual plans and includes advise regarding the choice of employment or other gainful occupation, theoretical and practical preparation for performing and keeping this work and creation of suitable conditions at the employer or other involved subjects. The setting of individual activities in the work rehabilitation plan is made in cooperation with the person with disabilities with regard to the person's health and work capacity, education, skills and the situation in the labour market. The employer may create a protected work place to support the employment of disabled persons, where the person then works at least for the next three years, and may also receive subventions for its costs. In businesses, where more than 50% of employees are persons with disabilities, the employers receive a wage contribution up to 75% of the wage costs (up to 8,000 CZK per month) for the support of their employment. In 2012 measures were adopted to improve the efficiency of the provided support. The contribution to employment of persons with disabilities is newly provided only for protected work places created or defined by the Labour Office. The Labour Office pays increased attention to applicants with disabilities and uses AEP tools described in the answer to question 9. The Ministry of Labour and Social Affairs analyses the support system of employment of persons with disabilities. Also in 2012 the special lower minimum wage rates for persons with higher degrees of invalidity have been abolished.

29. The welfare benefits for persons with disabilities also went through a significant reform. Since 2012 there are two benefits: mobility allowance and allowance for special utilities. The mobility allowance in the amount of 400 CZK per month serves to partially cover the transportation costs of a person with disability under special conditions caused by this disability. The allowance for special utilities is designated for persons with severe disabilities for special utilities that help them manage their lives, such as adjustments of vehicles, houses or flats or the purchase of an assistance dogs, special computer or another working tool etc. The contribution can cover up to 90% of the cost of tool with the maximum amount being 400,000 CZK. The new law on welfare benefits for persons with disabilities also regulates the person's claim to a certificate of a person with disability. According to the degree of the disability the person has the right to sit on a reserved seat in the public transport, to precedence in personal dealings with authorities, to free public transport and a 75% discount for train and bus transport or free transport of an assistant or an assistance dog and other benefits according to specific laws.

30. Equal access to healthcare is ensured by the right to alternative methods of communication. According to new health laws from 2011 the patient with sensory disability or serious communication problems caused by health reasons has the right to communicate in a way that he or she finds comprehensive and through communication means of his or her own choosing, such as interpreting by another person. The patient with a sensory or physical disability has the right to be accompanied and to the presence of a specially trained dog in a medical facility. The Ministry of Health supports projects related to communication of persons with disabilities and the improved accessibility of the medical facilities for these persons.

31. In the field of education of pupils and students with disabilities emphasis is being put on equal approach and non-discrimination of these persons. The Education Act provided more detailed definitions of the conditions of their education while respecting the rights of the child with disability and its legal representatives. The current action plan is based on the improvement of inclusive education of persons with disabilities within the mainstream education. The Ministry of Education, Youth and Sports is preparing a concept for better accessibility of schools at all levels of education for children, pupils and students with disabilities, which should be finished by the end of 2013. The changes in the legislation in 2011 also strengthened the rights of children with disabilities to education within the mainstream education programme, as it no longer will be dependent on the conditions and possibilities of the school and the child will have the same right to visit a

local school as the children without disabilities. The activities of the assistant teacher should be extended to necessary help for pupils with serious disabilities with assistance during classes and events organized by the school outside its premises.

32. In the area of access to cultural heritage the number of galleries and museums is increasing, which are accessible even for persons with serious physical disability or equipped with guides for persons with sensory disability. The majority of these institution offer discounted entrance fees or even free entry for disabled persons and their assistants. The availability of public library and information services for these persons has also improved e.g. by digitalizing books and documents or creating audiobooks. The media have the obligation to make part of their production accessible for persons with sensory disability by providing subtitles or interpretation. Support is also provided for the cultural activities of the persons with disabilities themselves. The national plans always take into account the education of the public with the aim to support positive perception of persons with disabilities in the society.

33. The obligation to ensure reasonable accommodation for persons with disabilities is regulated primarily by the Anti-Discrimination Act. A refusal or failure to adopt reasonable accommodation to ensure that a person with disability has access to certain employment, work or functional or other process at work, the opportunity to use work counselling or take part in other professional education or to use public services, is viewed as indirect discrimination based on physical disability with the exception in cases where the measure would represent an excessive burden. The benefit that the person with disability has from the implementation of the measure, financial acceptability of the measure for the obliged person, the availability of financial and other help for the implementation of the measure and the capacity of the substitute measure to satisfy the needs of the person with disability are all taken into account when judging the burden that the measure represents. A measure that the person is legally obliged to implement, is not considered to be an excessive burden. Other related laws are e.g. the Employment Act, which defines measures for the support and achievement of equal treatment of persons with disabilities. Adequate measures related to the education of pupils and students with disabilities are defined in the Education Act and its implementing directives. Other measures are defined e.g. in the Building Act and its implementing regulations or regulations on public transport.

34. The first survey of the structure of persons with disabilities in the Czech Republic was conducted in 2007. According to international experience the survey was based on random choice of doctors and ca. 8 000 persons with disabilities from among their patients, which was conducted by the doctors themselves according to given instructions. The data gathered from the sample was calculated by appropriate statistical methods to represent the whole Czech Republic. The National Plan for Creating Equal Opportunities for Persons with Disabilities 2010-2014 tasks the Czech Statistical Office and the Institute of Healthcare Information and Statistics to conduct another survey of the number and structure of persons with disabilities by the end of 2014. The methodological processes will be the same as in the case of the previous survey. The data gathering was performed in 2013 and the resulting findings will be published in 2014 on the website of the Czech Statistical Office. The statistical data on the enjoyment of economic, social and cultural rights of persons with disabilities are also gathered by relevant ministries within their activities. Some data is available in Annex 5.

Article 3 – Equal rights of men and women

Answer to question 7

35. At present, the Czech Republic does not apply any direct measures to support women in the area of employment opportunities and the preparation for employment such

as quotas or preferential treatment and focuses on indirect support. Every year since 1998 the Czech government adopts the Governmental Priorities and Procedures Regarding Promotion of Equal Opportunities for Women and Men. The document contains a set of measures, which are each year assigned to individual ministries in order to promote equal opportunities of women and men. At the same time it evaluates the fulfilment of previous measures. Part of the document is also the Report on the Equality of Women and Men in the previous year, which describes the state of achieving gender equality.

36. In its priorities for 2013, the government tasked its members e.g. to continue to assess the impact of individual measures on the equal opportunities of women and men in their conceptual and decision-making activities, ensure special education for all employees regarding equal opportunities of women and men, discover, monitor and solve cases of sexual harassment at workplace at individual ministries and focus on the issue of equal opportunities of women and men in its media policy. A mid-term strategy for equality of women and men in the Czech Republic is also being prepared. The departmental coordinators of equal opportunities of women and men are regularly educated.

37. In order to achieve a more balanced standing of women and men in the labour market and the harmonisation of the private, family and working life, the members of the government have to implement, develop and actively support and inform employees and job applicants about the possibilities to use flexible employment and monitor and keep anonymous statistics of the salaries of employees in various salary grades sorted by gender and ensure wage transparency and independently or in mutual cooperation strive to spread the possibilities of pre-school child care for their employees. The government should also support the development of the availability of the child care services (e.g. kindergartens, child groups etc.) and the establishment and development of social services (e.g. caretaker services, daily stationaries, personal assistance etc.). At present already three ministries have a child group with the possibility to look after the children of their employees and other ministries are actively working to have a functioning child group.

38. As for other measures, the Minister of Labour and Social Affairs should support the establishment of an range of educational, qualification or re-qualification programmes for women to help them find employment or start a business. Special attention should be paid to women from disadvantaged groups, e.g. those living in the rural areas, single mothers and women from minorities including migrants. Support should also be aimed at the re-qualification of women, who have not been economically active for an extended period of time as well as measures supporting women over 50 years of age to stay in the labour market. Suitable forms of support of stable and flexible forms of labour should be implemented into AEP. The Minister of Interior should adopt measures to eliminate and prevent gender-based crime, domestic violence and human trafficking, take into consideration the issues of gender-based violence and human trafficking in creating the concept of migration policy and support projects aimed at solving risky situations in the lives of female migrants. The Minister of Justice should monitor the decisions of Czech courts in cases of gender discrimination and violence against women and make relevant rulings available on the internet. The Minister of Education, Youth and Sports should prepare an analysis of the education system regarding the equality of women and men and based on its results define the problematic areas and propose their solutions and implement educational programmes for future and current pedagogic staff in the field of equal opportunities of women and men. The results of these measures are included in Annex 6.

39. The harmonisation of the working, private and family life is not only a question of setting the work conditions, but also a question of the approach of individuals and the society to the division of roles within the family. Therefore it is important to support a larger involvement of both parents in the upbringing of children and active fatherhood. In 2010-11 the Ministry of Labour and Social Affairs led a campaign "How to do it Dad?",

which focused on fathers taking care of children and strengthened parenting competences of men. The main goal was to increase the share of men, who actively participate in parenthood. The project was ended at the end of 2011 and its evaluation and results are available at a public website. A campaign of the Ministry of Labour and Social Affairs "Family and Work Audit" was launched in November 2013 to support the balancing of the working and family life. The goal of the audit was to help improve the compatibility of employment and family and at the same time increase the work efficiency in companies. A public awareness campaign is planned in the near future within the projects supported by funds from EEA/Norway, which should not only aim to increase the public sensitivity to issues of discriminatory gender stereotypes, but also focus on the issues of coordination the working, private and family life and domestic and gender-based violence.

40. The Committee on the Harmonisation of the Working, Private and Family Life, which has been established as an advisory body to the Government Council for Equal Opportunities of Women and Men for these matters, handles this issue at the institutional level. Two working groups were established within this Committee – for the concept of family policies and for legislation regarding active fatherhood. The working group for legislation regarding active fatherhood focused on e.g. tax allowances for employers providing their employees with flexible forms of employment. The working group for the concept of family policies focused primarily on pre-school child care, parental welfare benefits etc. Further the Permanent Commission for Family and Equal Opportunities has been established at the Chamber of Deputies in 2010.

Answer to question 8

41. Regarding gender segregation the Ministry of Labour and Social Affairs is preparing an action plan for balanced representation of women and men in decision-making positions. The Committee for Equal Representation of Women and Men in Politics and Decision-Making Positions has been established in 2009 as an advisory body to the Government Council for Equal Opportunities of Women and Men, whose mandate has been extended to deal with the representation of women in decision-making positions in general, including their representation in management of private companies. In cooperation with the secretariat of the Government Council for Equal Opportunities of Women and Men the Committee prepared a motion to implement the "+1" strategy, the goal of which is to support a more diverse and better functioning state administration and reduction of its vertical gender segregation. The motion recommends the Czech government to task individual ministries and other central administrative bodies that they should adopt and uphold a strategy to increase the number of men or women at the given management level within their organisational structures and in organisational structures of companies in which they have a participating interest by one in each calendar year until the share of the underrepresented gender reaches at least 40%. The motion was approved by the Council for Equal Opportunities of Women and Men.

42. The monitoring and support of an equal representation of women and men in management and decision-making positions and in working collectives is one of the long-term tasks for all ministries based on the Governmental Priorities and Procedures Regarding Promotion of Equal Opportunities for Women and Men. The specific data is included in Annex 6. During a selection procedure, in which candidates of both genders participate who fulfil all criteria, the equal representation of women and men is taken into account. However, gender segregation still persists in the labour market, particularly in certain industries. Partial activities aimed at the support of a higher representation of women in high management positions were conducted by the employers as well. E.g. in 2011 the Confederation of Industry informed its members about examples of voluntary initiatives by companies regarding diversity in the management and conducted a survey aimed at examples of good practice.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 – The right to work

Answer to question 9

43. The foundations for employment policies are the Europe 2020 strategy and the follow-up National Programme of Reforms of the Czech Republic, which aims to achieve at the national level by 2020 a general increase in employment in the 20–64 age group to 75%, of which for women 20–64 to 65%, older workers 55–64 to 55%, young people 15–24 by 33% in comparison to 2010 and people with low qualification by 25% in comparison to 2010.

44. AEP is used to improve the overall employment rate. These are re-qualification courses, investment incentives, public-utility jobs, social purpose employment, bridging allowance, training allowance and allowance for transition to a new entrepreneurial programme. AEP also includes expert advisory service, support of persons with disabilities mentioned above, shared employment brokering and targeted programmes to solve employment.

45. Re-qualification means the gaining of new qualification and improving, maintaining or recovering current qualification, which will contribute to the applicant's success in the labour market and is suitable for him due to his health condition. Re-qualifications are suitable tools for applicants with low qualification or qualification that does not suit the needs of the labour market in given time and place. Re-qualification is free of charge for the applicants, who can even receive a contribution to cover other proven costs (e.g. transportation fees). Re-qualification is arranged for applicants primarily by the Labour Office, but since 2012 it is possible for the applicants to arrange their own re-qualification and the Labour Office may then pay the costs. Investment incentives support the creation of new jobs or re-qualification and training of new employees. Due to the lasting shortage of available places the amount provided per one palce has been increased from 50 000 to 200 000 CZK at the end of 2013 in order to sufficiently motivate investors to create jobs in regions that are the most affected by the high unemployment rate.

46. Public-utility job provides short-term work opportunities that consist mainly of the maintenance of public spaces, cleaning and maintenance of public buildings and roads or other similar activities to the benefit of municipalities or state or other public institutions, for which the employer may receive contributions to cover wage costs. Due to its nature this form of support is used mainly for low-qualification groups, long-term unemployed persons or persons, whose success in the labour market is hindered by sociocultural barriers (e.g. members of minorities, persons leaving prison etc.).

47. Social-purpose employments are positions, which the employer fills after an agreement with the Labour Office by applicants, who cannot be employed by other means. Their primary goal is to eliminate the applicant's disadvantage and ensure that he receives work experience or long-term employment. Therefore the suitable groups are people below 25 years, above 55 years, parents with children or persons with disabilities. Similarly the job applicant may receive a transitional contribution for self-employment together with a bridging allowance to cover operational costs.

48. In case of employment of a disadvantaged job applicant the employer may apply for a training allowance. The allowance for transition to a new entrepreneurial programme is designated to cover the wage costs of employees that the employer cannot fully employ due to the transition to a new programme. Based on an agreement with the Labour Office the

job brokering may be performed by employment agencies within the so-called shared employment brokering with the participation of selected job applicants (with their consent) and the agency may receive a contribution upon successful employment of these job applicants.

49. The implementation of the employment policy has been influenced by the stagnation of the Czech economy in the recent period. The labour market is characterized by a certain degree of instability and the increase of the unemployment rate. The annual update of the AEP aims focuses on individual target groups. Currently the AEP primarily support persons registered at the Labour Office for more than 5 months, persons over 55 years of age, persons under 25 years of age without work experience, parents returning from parental leave, persons with disabilities and persons with low qualification. The conditions for AEP and the target groups may be further specified at the regional level. When dividing finances the regional characteristics of the labour market are taken into account so that the support is targeted at the most affected regions with the highest unemployment rate, high percentage of endangered persons in the labour market etc. The regional specifics of are also taken into account within the implementation of regional individual projects funded from the EU funds, which reflect the current development in regional labour markets and are targeted at the most endangered groups of applicants in the given region. The relevant data are in Annex 7.

50. The lower number of included applicants in 2012 was influenced by several circumstances. The decrease in the number of people supported within community service was caused by the temporary use of public service, the decrease in the number of people supported within the social-purpose employment was caused by the decrease in demand for products and services which resulted in decreased demand for labour. In case of re-qualifications the cause was the temporary slowing down of the process due to announcing public tenders for suppliers of re-qualification courses. The lower number of persons with disabilities employed via AEP was caused by the increased support aimed at employers who employ these persons.

51. The Ministry of Labour and Social Affairs is currently working on the Employment Policy Strategy until 2020, which includes new priorities of the development of employment services and further adds a summary of measures within individual priorities with the description of the expected result, which will be achieved in 2020 by adopting the measures. The Strategy focuses on four main priorities concerning the labour market: support of the access to employment primarily for endangered groups, support of the equality of women and men, support of the adjustment of businesses and employees to the altered needs of the labour market and support of the increase in capacity and efficiency of the labour market institutions.

52. The Ministry of Labour and Social Affairs organizes campaigns to support employment. In 2011 a TV campaign was launched, which focused on decreasing unemployment via AEP, occupational training and integrating socially excluded persons. In November 2012 the Ministry launched a campaign named "Better Chance" aimed at the chance for better success in the labour market for the disadvantaged applicants (mothers on maternal leave, persons over 50 years, graduates, persons with disabilities, immigrants etc.). The campaign is planned for two years and the information is available at a public website.

Answer to question 10

53. The amended Labour Code adopted in 2011, which came into force on 1st January 2012, regulates the basic principles of labour law relationships and the relationship between labour and civil law. The issues that are not regulated by the Labour Code fall under the Civil Code, if the Labour Code does not explicitly exclude this. The amended Labour Code thus enables greater contractual freedom according to the principle "what is not prohibited,

is allowed". The rights and obligations in labour law relationships may be regulated differently than in the Labour Code if it is not explicitly prohibited or the nature of its provisions does not imply it. Deviation from many provisions is only possible to the benefit of the employee and cannot exceed the limits stipulated by the Labour Code. The amendment tries to stipulate rules of behaviour of the labour law participants in a clearer manner so that the prohibitions of certain actions are clear and that the obligations of parties are clearly defined. The regulation of legal actions and their invalidity has also been made more accurate.

54. The regulation concerning notices remained unchanged in its foundations. The employer still may give notice to an employee only due to reasons explicitly stated in the Labour Code. Those are mainly organizational reasons, the employee's health or failure to meet legal requirements for employment and also the unsatisfactory work results and serious violations of legal obligations of the employee. A new reason for giving notice is only the gross violation of the employee's obligation to remain at his place of residence during sick leave and observe the time and duration of allowed leaves. In most cases still valid is the prohibition of giving notice within the protected period, i.e. temporary incapacity for work, pregnancy or parental leave. In case of organizational changes the employees who are pregnant or on parental leave are better protected by the new regulation as it is impossible to give them notice. The immediate termination of employment due to gross violation of legal obligations or conviction of an intentional crime did not undergo any changes and is possible even for pregnant employees as well as employees on parental leave. Pursuant to the amendment the employer also cannot terminate the employment during the trial period within the first 14 days of temporary incapacity for work. The notice, an immediate termination of employment and newly also the termination of employment within the trial period must be presented in writing under the sanction of invalidity.

55. When terminating employment due to organizational reasons on the side of the employer, the employee is entitled to severance payment. The amendment stipulated the minimum amount of the severance fee according to the duration of the employment. If the employment lasted less than 1 year, the severance payment must be at least one average salary of the employee, if the duration was between 1 and 2 years, the severance payment must be at least twice the amount of the average salary and if the employment lasted more than 2 years, the severance payment must be at least three times the amount of the average salary.

Answer to question 11

56. The right to work pursuant to the Covenant is realized primarily via the Act on Employment. According to this law the right to employment is the right of a natural person, which desires to and is able to work and seeks employment, to employment in a labour law relationship, to brokering of employment and to provision of other services. The person may seek employment alone or with the help of the Labour Office or private employment agencies. When brokering employment the Labour Office always arranges "suitable employment" for the applicants. The law defines "suitable employment" among others as employment, which suits the physical capability of the applicant and if possible also his or her skills, qualification, duration of previous employment, housing and transport possibilities. The employment must be for an indefinite period or a definite period longer than 3 months, whereas the length of the working hours must be at least 80% of the 40-hour working week and must constitute an obligation to pay pension insurance premium and a contribution to the state employment policy.

57. A registered job applicant who enjoys related benefits such as the unemployment benefit or the payments of health insurance has the obligation to accept the offer of a suitable employment if he or she does not have serious reasons to decline. Such reasons are

e.g. necessary personal care for a child under 4 years of age or another person dependent on his or her care, the child's kindergarten or school attendance, the nature of the employment of the spouse or registered partner, health reasons, which according to a medical assessment present a barrier to perform the job or other serious personal reasons, e.g. ethical, moral or religious or reasons worthy of special consideration. By being removed from the registry the applicant loses all benefits related to the status of job applicant and may only be registered again after a minimum of 3 months have passed, in serious cases up to 6 months. The assessment of specific circumstances is up to the Labour Office, whose decision must be justified and may be reviewed by court.

58. A job applicant is eligible for unemployment benefits if in the two years prior to his registration he gained pension insurance in the minimum duration of 12 months via employment. A job applicant is not eligible for unemployment benefits if in the past 6 months his or her employment was terminated due to violation of a legal obligation concerning his work or due to gross violation of the regime of a person temporarily incapable of working. The unemployment benefit is provided for 5–11 months depending on the age of the applicant and in the first two months is in the amount of 65%, another two months 50% and during the remaining period 45% of the previous average monthly net salary, the maximum being 0.58 times the general average salary in the given year. If the job applicant finished his last employment without a serious reason by giving notice or by mutual agreement with the employer, the unemployment benefit is always 45%. The effect of the rejection of a suitable employment on unemployment benefits is such that in case of unjustified rejection of a suitable employment the applicant is removed from the registry and is temporarily ineligible for unemployment benefits.

Article 7 – The right to just and favourable conditions of work

Answer to question 12

59. Pursuant to the Labour code the minimum wage is stipulated by a government regulation usually from the start of a calendar year while taking into consideration the development of wages and consumer prices. Changes to the amount of minimum wage take into account all important economic and social circumstances and current economic development and situation in the labour market both in relation to employees and their income and the employers and their wage and overall costs. The change of the minimum wage is discussed by the government and social partners within the Council of Economic and Social Agreement. The last increase of the minimum wage has come into effect on 1 August 2013, the wage has been increased to 8,500 CZK per month or 50.60 CZK/hour. Despite the fact that the gross minimum wage of 8,000 CZK per month had not been changed since 2007, the salaries of employees were positively influenced by the adopted changes in the income tax, particularly the significant increase in tax deductions, the so-called tax bonus and the reduction of all compulsory payments from employees' wages for social security. According to currently valid tax conditions the employee with a gross monthly salary of up to about 10,200 CZK does not pay any income tax and in case that he has children, he can apply another tax deduction for each dependent child. The government plans to gradually increase the minimum wage up to 40% of the average wage. The development of the minimum wage is included in Annex 8.

60. Life minimum income is a socially recognized minimum level of income to ensure sustenance and other basic personal needs. In addition to Life Minimum, the institute of Subsistence Minimum income has been introduced, which is considered to be necessary to ensure sustenance and other basic personal needs at a level allowing the individual to survive. The life minimum is regulated by the law on life minimum. According to this law the life minimum has only a single component and includes the amount necessary for

sustenance and other basic needs. It does not include housing costs. To set the life minimum of a household it is necessary to take into account the other jointly assessed persons, i.e. whether the person lives alone or together with others. The life minimum of jointly assessed persons is the sum of all life minimums of individual household members. The life and subsistence minimum play an important role in determining the eligibility for social welfare benefits and for the amount of some of these benefits as well. Pursuant to the current legislation the life and subsistence minimums may be adjusted if the costs of sustenance and other basic personal needs increase by more than 5% within a set decisive period. The individual amounts of the living and subsistence minimums are listed in Annex 8. If the household's income does not reach the amount of the life minimum, the household is considered to be in material need and is eligible for material need benefits.

61. Protection and support of housing of individuals and families with low income is handled separately within the system of state social support by providing housing allowances and within the system of material need aid by providing a housing supplement. The housing allowance is provided to flat owners or tenants, for whom the housing costs exceed 30% or in Prague 35% of their household's income. The housing costs for rental flats consist of rent and costs related to the use of the flat, for co-operative flats or owned flats the costs are set by the law according to the number of persons living in the flat. The benefit is also limited to maximum normative amounts of costs that are set by the law. All these amounts are set by a government regulation for each year so that they reflect the economic development and the increase in housing costs. Specific amounts are listed in Annex 8.

62. If neither the housing allowance nor the living allowance, which is provided to persons in material need, suffice to cover the housing costs, the person is eligible for a housing supplement so that a set living amount would remain after covering the housing costs. To be eligible for the housing supplement the person must receive the housing and living allowances. When taking into consideration the overall social and material situation of the person it is possible to provide the contribution even in a case where the income of all jointly assessed persons exceeded their living amount by less than 30%. Unlike in the case of the allowance, when assessing the supplement the effort of the persons to increase their income by work, use of property or by making property claims or by other means is taken into consideration. On the other hand in cases worthy of special attention the supplement may be provided even to persons who use other than rental or owner-occupied housing forms over a long period (e.g. sublease, accommodation in a social facility etc.) or who do not have registered permanent residence in the given flat, whereas in these cases the persons do not have to obtain living of housing allowance beforehand. The same maximum amounts that are set for the housing allowance apply for the housing supplement.

Article 8 – Trade union rights

Answer to question 13

63. A strike within a collective agreement dispute is regulated by the law on collective bargaining. According to this law a trade union may call a strike if at least two thirds of the employees of the employer, who participate in the strike ballot, agree with it, provided that at least half of all affected employees of the employer participated in the ballot. The same rules apply for calling strikes within higher degree collective agreement disputes and when calling and starting a solidary strike. The trade union must inform the employer in writing at least three working days in advance about when the strike will commence, what are its reasons, the number of employees participating in the strike and the list of departments, which will not operate during the strike. It is up to the organizer of the strike to choose a form of voting and the law does not explicitly regulate it. Similarly the law does not require

lists of workers who are on strike but only the number of striking persons and the list of departments, which will be affected by the strike. This regulation may be considered balanced as it enables to call a strike in case when employees consider it necessary and allows them to express their opinion. On the other hand it ensures a sufficient level of representativeness of the striking employees towards all employees of the employer and shows the strike as an extreme but powerful measure in the process of collective bargaining.

Article 9 – The right to social security

Answer to question 14

64. Due to the economic development, the following changes were made to social security. In 2012 the method of pension adjustment has been temporarily changed for the 2013–2015 period based on the estimates of an unfavourable macroeconomic development. The goal is to use this temporary measure to stabilize the balance of income and expenses of the national budget. Until 2012 the pension adjustment took into account 100% of inflation and 33% of the real wage growth. Since 2013 only 33% of inflation is factored in. This measure fully respects the criteria listed in the letter from the Chairperson of the Committee. It is a temporary measure for a three-year period of 2013–2015, which will be shortened to two years until the end of 2014. After the lapse of this period the adjustment will return to the original rules. The measure is not discriminatory and affects all pensioners without exceptions. The measure is also adequate as the Czech Republic is among the EU states with the lowest at-risk-of-poverty rate for the general as well as for the senior population.

65. In 2010, 9% of the general public were at risk of poverty whereas the EU average reached 16.5% and in the population above 65 years of age 6.8%, with the EU-27 average being 15.9%. Despite the effects of the slowing-down of the adjustment of pensions the Czech Republic will continue to be one of the countries with low poverty threat. Moreover in case of a change towards macroeconomic stability and the improvement of public budgets the pension system will also stabilize and thus contribute to the improvement of the securities of current and future pensioners. The respect for the minimum level of social protection defined e.g. in the ILO Conventions or the European Code of Social Security remains unchanged. This measure has no effects on the fulfilment of these minimum standards, by which the Czech Republic is bound.

66. The non-contributory social benefits in the Czech Republic are primarily used to support families with children and to cover the income deficit of low-income groups. The state social support benefits serve to prevent such situations and the material need benefits serve to solve these situations. The construction of the state social support benefits takes into account both the income and social situations of the family. When assessing the eligibility for benefits the family's property is not examined; however for some benefits (child benefits, social supplements and housing benefits) the family's income is being examined, although not the cause of its deficiency.

67. The state social support benefits are interconnected so that they prevent the slide of families with dependent children into poverty. The more unfavourable socioeconomic circumstances are present in the family, the more benefits and higher amounts the family receives. On the other hand the material need benefits should provide help with solving serious social situations and they represent some of the tools to combat social exclusions. Their goal is not only to satisfy the social needs of individuals and their families, but also comprehensively solve their social situation and together with social work motivate them to actively strive to obtain funds to satisfy their living needs and to solve their social problems. Therefore the requirements for eligibility for material need benefits are stricter

and apart from the income and social situation of the individual and his or her family the factors that are examined are his or her property and the effort to solve the situation on his or her own and ensure sufficient income. The non-insurance social benefits are also used in specific situations, such as contributions to the care for persons with disabilities and their needs.

68. The austerity measures in non-contributory benefit systems started in 2008. Their goal was to achieve better targeting of the social benefits, prevent their abuse and motivate their beneficiaries to actively seek to gain funds to satisfy their basic living needs and to decrease the budgetary spending. If some persons ceased to be eligible for certain benefits and as a result their income was reduced, they could have applied for material need benefits, where the personal and family situation of applicants undergo the most detailed examination.

69. Changes were also made to the state social support. The parental allowance, which serves parents taking care of their child at home, had set fixed amounts depending on the duration of its drawing according to the parent's wish. The circle of eligible persons for social supplement has been limited to families whose income is less than twice the amount of the life minimum. Fixed amounts have been set for the child allowance and the circle of eligible persons has been limited to families, whose income did not exceed 2.4 times the amount of the life minimum. The birth grant has been reduced to a fixed amount and by the funeral grant the beneficiaries have been limited to those, who arranged for the funeral of a dependent child or his or her parent, i.e. within a family with dependent children. Fixed amounts were also introduced for foster care benefits. However, the set amounts still respected the needs of their beneficiaries.

70. As for the material need benefits, more detailed rules have been used for the definition of the group of people, who take care of a child or other dependent person and whose possibility to increase their standard of living by their own work is not being examined. Persons, who do not demonstrate effort to solve their situation, although it can be justifiably demanded from them, have been excluded from the group of persons, for whom the living amount increases above the subsistence minimum if they remain in a state of material need for a long period. However, this does not apply to persons over 55 years of age, persons with disabilities or parents taking care of a child. In social services the rights and obligations of eligible persons regarding the use of the care allowance have been more accurately defined. A more detailed regulation applies mainly for situations, when the care allowance is not being paid as the care for the person is provided otherwise, e.g. by hospitalization. The person who receives the benefit also has the obligation to report who is providing care and in what manner and if the person fails to do so, the payment of the benefit will be suspended. However, the eligibility for the care allowance remains unaltered in both cases and after the situation is changed or the requirements are met, it will resume automatically.

71. Since 2007, the sickness allowance has been reduced to 60% of the daily assessment base. No sickness allowance was paid for the first three days of the temporary incapacity for work; however the allowance increased with the duration of the sickness. Since the Act on Sickness Insurance came into force in 2009 the sickness allowance is being paid from the 15th (in years 2012-2013 from the 22nd) day of the temporary incapacity for work and during the first two (three) weeks of the sickness the employer pays the employee a wage compensation. The reduction of income for insured persons with average and higher incomes has been reduced by changing the number of reduction limits in setting the benefit amounts and fully binding them to the development of wages. The sickness allowance, maternity allowance and nursing allowance were unified to 60% of the daily assessment base. These changes are in compliance with the European Code of Social Security as well as the ILO Conventions No. 102 and 130.

72. Further reforms of the social security and social benefits took place in 2011 and 2012. One of the main changes was the abolition of the social supplement, which gradually ceased to fulfil its function and practically became redundant due to the parental benefit. Moreover the number of persons receiving this benefit continuously decreased. Families, who take care of a child or another person with disability, who were the main group of beneficiaries of the social supplement, will no longer have their care allowance reduced while simultaneously receiving parental allowance and therefore may receive the full amount of both benefits. Birth grants are newly paid only for the firstborn child in a family with a low income. As for the parental allowance, the sums that the parent receives in various durations of its drawing have been unified. The rules for sending children into pre-school facilities were also loosened, which will help the parents to better coordinate their working and family life.

73. The unemployment benefit has been reduced from 65% to 45% in cases when the individual terminates his employment without serious reasons by giving notice or mutual agreement with the employer. The sickness allowance remained at 60% of the average previous income for the whole duration. The allowance for the care for persons over 18 years of age with mild dependency on care has also been reduced from 2,000 CZK to 800 CZK, which reflects the difficulty and intensity of the care this person needs.

74. Persons with light dependency on care usually live independently and only need occasional help managing their household and personal affairs, which is best provided by a caretaker service, whose costs are limited by law and should still be covered by the benefit. The care allowance has been more precisely targeted as it is designated exclusively to provide care, which helps to fulfil living needs by a previously selected care provider.

75. Since 2012, the child care allowance has been increased by 2,000 CZK for families with children and income that does not exceed twice the amount of the life minimum. Since December 2012 the increase in the care allowance applies to all children aged 4–7 with a heavy or total dependence on care regardless of the family income.

76. The aid to low-income persons and families has been compensated by material need benefits. Also the life and subsistence minimums have increased in 2012, which has been reflected in all income-tested non-contributory benefits. Within the social support the circle of eligible persons for child allowances and maternity grants has been extended. The circle of eligible persons has been extended and benefit amounts have been increased within the material need benefits, particularly the living allowance.

77. The maximum limits of extraordinary immediate aid benefits have been increased and a new benefit has been created for extraordinary immediate aid for families with children who do not have enough funds to cover justified costs of education or leisure activities of dependent children and to ensure necessary activities related to the social and legal protection of children. An important measure is the regular increase of the housing benefit due to the annual increase in the legal limits of housing costs, on which the benefit is based.

78. Regarding the adequacy of measures within the social benefit systems or the efficiency of social transfers it is necessary to state that the Czech Republic belongs to the group of EU member states with the lowest value of the "at risk of poverty or social exclusion" composite indicator. This indicator refers to the situation of people either at risk of poverty, or severely materially deprived or living in a household with a very low work intensity. The share of people at risk of poverty or social exclusion in the Czech Republic was 15.3% at the start of the economic and financial crisis in 2008 as well as in 2011, whereas the EU-28 average was 24.3%. In comparison to 2011, the value increased in 2012 by 0.1 percentage point to 15.4%. The share of persons at risk of poverty, i.e. living in households whose income is less than 60% of the median of the balanced disposable

income per equivalency (OECD) reached 9.6% in 2009 while the EU average value was ca. 16 %; material deprivation affected only 6.8% of the population (EU 8.8%) and the share of persons living in households with a very low work intensity was 6.8% in 2012 (EU 10%).

Article 11 – The right to an adequate standard of living

Answer to question 15

79. The Strategy of Combatting Social Exclusion for the period of 2011-2015 contains 71 measures in field of security, education, housing, social services and family, employment and benefit system, which lead to the improvement in the standard of living of disadvantaged and marginalized groups of inhabitants living in socially excluded localities. The Agency for Social Inclusion performs preliminary evaluation of the Strategy's fulfilment. The measures include the adopted Act on Crime Victims, which ensures that they receive aid including e.g. legal counsel. The amendment of the Act on the social and legal protection of children makes it impossible to take a child away from a family due to economic or housing reasons. The Ministry of Regional Development incorporated in its methodological instructions on public procurements a procedure for issuing socially responsible public procurement with the obligation to employ at least 10% long-term unemployed when working on a public procurement order. In the field of education changes have been prepared, which are described further in the answer to question 21. The Strategy is currently being evaluated and works on its update for 2016–2020 will begin during 2014.

80. When it comes to ensuring an adequate standard of living the Strategy focuses primarily on offering a range of various forms of social housing. The Strategy proposes to target both the current and the future public programmes on development, procurement and reconstruction of social flats and develop alternative tools of social housing such as training housing, non-profit social housing or guaranteed housing. The Strategy orders to take into account the needs of socially excluded persons or persons threatened by social exclusion within a comprehensive solution of social housing. Further information regarding these tasks is provided in the answer to question 5. Subsequently programmes should be created to support social housing. The Strategy also orders the Agency to implement the pilot projects of guaranteed housing, which reduce the risks that the flat owners take when they rent their flats to low-income groups by arranging that in case the tenant fails to pay the rent, the obligation to pay the rent is transferred to a NGO or municipality, which conducts social work with the tenant. The aim of the pilot project is to create a methodology of the cooperation of the flat owners, municipalities and NGOs and testing the suitability of current subvention titles or a possibility to propose partial adjustments. The pilot programme is currently running in three localities in about 15 flats with three households being included in this programme so far.

81. In compliance with the recommendations from the EU the Czech Republic also adopted a comprehensive framework Strategy of Social Inclusion 2014–2020 in January 2014. The Strategy describes priority topics for the Czech Republic in the area of social inclusion of persons until 2020 and for drawing funds from the Czech Republic's public budgets as well as for the use of the European Structural and Investment Funds. The aim of the Strategy is to contribute to the fulfilment of the national goal to reduce poverty and social exclusion, maintain the limit of the number of persons at risk of poverty, material deprivation or living in households with very low work intensity until 2020 at the level of 2008 and strive to reduce the number of these persons by 30,000. The Strategy will be a framework document for all other strategic documents in the field of social inclusion, which will elaborate on its tasks and implement them. Concerning housing, the Strategy, as a follow-up to the Concept of Housing until 2020, presents the task to ensure local

availability of standard housing in flats for persons endangered by loss of housing or after the loss of housing by legally defining the roles of the state and municipalities and providing funding for social housing. The law should also regulate the access of persons to social housing as well as its forms and standards. Motivational tools should be created to provide higher involvement of private flat owners in social housing as well as programmes for prevention of loss of housing and programmes of social work to access and keep adequate housing. The state should also develop and support the programmes of material aid for socially excluded persons or those at risk of social exclusion.

Answer to question 16

82. On the topic of forceful eviction, the Czech Republic states that all forms of housing, be it flat ownership, rental, sublease or accommodation are regulated by the law so that the owners and users of the flat are protected as much as possible against unjustified eviction and other inappropriate interferences with their rights. Similarly to the ownership of other property, the ownership of a house or flat is protected at the constitutional level by the Charter and at the legislative level primarily by the new Civil Code, which enables the restriction or appropriation of the ownership of a house or a flat only in public interest, which cannot be satisfied otherwise and then only according to a law and for monetary compensation which is appropriate to the manner in which the property was affected by these measures.

83. The reasons for appropriation are defined in the law as a publicly beneficial construction of a transport or technical infrastructure, reduction of the risk of flood or other natural disasters and securing of ecological stability and protection of archaeological heritage, constructions and measures to ensure defence and security of the state and rehabilitation of a territory. Each appropriation is strictly judged within administrative proceedings, must be preceded by an attempt to reach mutual agreement and is subject to judicial revision. The owner also has the right for judicial protection from any interference with his or her property from other parties such as e.g. forced eviction or occupation of the property, in which case he or she can petition the court to stop the interference with his or her rights (e.g. by enabling renewed use or the clearing of the property). Another possibility to interfere with the enjoyment of the right of ownership is the decision of authorities within construction proceedings, which may order a temporary or permanent vacation of the building or its removal, if due to its faulty condition the building poses a risk to the health of persons or animals, security, environment or the property of third parties. However, the owner is not entitled for any compensation for a removed building.

84. The rental of a flat is also comprehensively regulated in the new Civil Code. The tenant is protected as the Code provides an exhaustive list of reasons for termination of the tenancy. These are mainly a gross violation of the tenant's obligations, conviction for a crime against the owner or other tenant or the vacation of the flat due to the subsequent necessary steps in public interest that will make it impossible to use the flat or when there is another serious reason for termination of tenancy. The reason could also be the need of the owner to use the flat himself or to let a close person use it. The notice period is 3 months; however in cases of a particularly serious violation of the tenant's obligation the tenancy can be terminated without notice,. The particularly serious violation is primarily the failure to pay the rent and other costs of housing for a period of at least three months, causing damage to the flat or house or persons living in it or use of the flat in violation of the tenancy agreement. The notice must always be in writing and must always specify the reasons for the vacation and contain information about the tenant's right to appeal against the notice for judicial review of the justification of the notice, otherwise it is invalid. The notice must be delivered to the tenant and the notice period then starts on the first day of the following calendar month. The tenant may defend against an unjustified notice by submitting an appeal for judicial review of the notice to a court within two months from

receiving the notice. The new Civil Code does not regulate the claim for housing compensation and each tenant has the opportunity to find appropriate housing in the free market or in the future system of social housing, which is currently being created.

85. The Civil Code also protects the tenants and the persons living with him in the flat by ensuring that in case of the tenant's death the tenancy transfers to these persons, if they lived with the tenant in the flat as of the day of his death and do not have their own flat. In case of the closest family of the tenant the tenancy transfer is automatic, in case of other persons the owner must agree with it. Such tenancy lasts for another two years, unless the person in question is an elderly person over 70 years of age or an underage child, who has the right to live in the flat until his or her 20th birthday. This however does not apply for service flats tied to a certain employment and for special purpose flats designated for persons with disabilities, as in these cases the owner has the right to ask the bereaved persons to leave the flat within three months in order to make the flat available for use by other entitled persons from the target group.

86. According to the Czech legislation the interpretation and application of a regulation must not be in conflict with good manners and must not lead to cruelty or callousness that insult common human feelings. All legal actions specified above are only enforceable if its result will not be in conflict with good manners. Therefore even in the case that the tenant has to vacate a flat, he can appeal against a violation of good manners. This is also applicable if a court order has been issued to vacate the flat. The tenant may also propose to postpone the execution of this order if he finds himself through no fault of his own in a position, where the immediate execution of this order would have especially unfavourable impacts on him or her or his or her family members and the owner would not suffer any serious harm due to the postponement. There are cases of the postponement of the order as well as cases where the order to vacate of the property was dismissed due to the conflict with good manners.

Answer to question 17

87. The main outcome of the project "Strategy of Social Inclusion of the Homeless in the Czech Republic", which ended in 2007, was the creation of the Czech version of the European typology ETHOS with added national subcategories related to the reality of the Czech society. A survey was conducted within this project regarding the provision of healthcare to the homeless, the results of which were published in the publication Healthcare for the Homeless. The project also focused on employment issues. The survey found out that over 80% of the homeless users of the asylum houses actively search for employment. Frequent barriers in the search for employment are indebtedness, low education, prejudice, loss of working habits and poor health condition. The project also set requirements for information necessary to fulfil the strategic goals in working with the homeless.

88. The results, including those of the above mentioned project, were used for the creation of the first Concept of Prevention and Solution of Homelessness in the Czech Republic until 2020, which the government approved in August 2013. The Concept's goals and measures target four key areas: access to housing and social services, access to healthcare, awareness, participation and cooperation. The key of the Concept is to support the access of these persons to services and resources including the increasing of awareness and cooperation of all participants and thus provide help to people without a home or those that are at risk of losing it.

89. In many ways the Concept follows up on the already described documents related to social housing. The tools used in dealing with the homeless persons and people at risk of losing their homes will be primarily social field work, which shall promote prevention and possibilities of social integration of the homeless so that they can return to normal life with

standard housing. Maximum support will be provided to each person via a stable network of social services including prevention, services for families and children, healthcare services, employment services etc. and with the help of these services they can reach supported housing and then finally independent housing. The goal of all policies leading to the solution of homelessness is to keep or find housing, not shelter or accommodation. Other necessary steps are to improve the efficiency of social work at the local level and to create a methodology for social workers regarding the multidisciplinary cooperation with other relevant parties. Within prevention the social work will focus primarily on the support of anti-debt counselling, counselling regarding the possibilities to receive social benefits, legal aid and other types of assistance.

90. Changes regarding notices and evictions or debt payments or implementation of new tools of financial aid to persons at risk of losing their homes or to homeless people will be also considered. Various types of social services, e.g. for elderly persons or persons with disabilities will also be open to the homeless including homeless families, for which temporary low-threshold facilities will be established. Social services should focus not on target groups, but on specific needs of all users. The goal is that no group, including the homeless as well as those at risk of losing home, should leave the system. Both the central and the local authorities should participate in the system of healthcare for the homeless in field low-threshold facilities. Both the field social workers and the doctors and other medical staff should be educated in how to deal and communicate with the homeless. The Fund for European Aid could be used to provide food aid as a prevention of malnourishment and deteriorated health condition of the homeless. The Czech Republic will focus on thorough mapping of homelessness, survey and education of the state authorities and the public in this issue. After properly analysing homelessness it will be possible to propose measures targeted at specific groups of the homeless.

Article 12 – The right to physical and mental health

Answer to question 18

91. The Act on Health Services regulates the rights of patients including cases, where it is possible to provide health services without the consent of the patient or his legal representative and also when it is possible to proceed with involuntary hospitalization. The reasons for involuntary hospitalization are the condition of the patient, which requires acute treatment and does not enable him to express his consent, a mental disorder or other state that presents serious and immediate threat to the patient or his surroundings, which cannot be averted otherwise, or a court decision on protective care, quarantine or a necessary examination. Without the patient's consent it is only possible to provide necessary medical treatment to preserve his health or life in cases, when his condition does not enable him to express consent, or medical care necessary to treat a serious mental disorder. Similar rules apply for patients who are underage or deprived of legal capacity with the exception that the reason for their hospitalization could also be a suspicion of their ill-treatment, abuse or neglect. The new Act also stipulates an administrative penalty for unjustified interference with the patient's rights including sanctions. The victims are also entitled to compensation of damages and non-pecuniary damages.

92. Each involuntary hospitalization and each restriction of the patient's movement or contact with the outside world must be reported by the provider of the health services to the court within 24 hours. The court then judges its justification. The hospitalized person has the right to be heard in the proceedings and to propose evidence. Apart from the hospitalized person the court also hears the attending physician and other persons upon the hospitalized person's request and within 7 days decides on the justification of the hospitalization. The hospitalized person must be notified about the decision and has the

right of appeal, in which case the court must decide within 1 month. Then, based on an independent expert opinion, the court decides within three months, whether further hospitalization is justified, whereas the maximum validity of the decision is 1 year. The hospitalized individual, his or her close persons or representatives have the right to petition at any time for his or her release from the facility. Since 2012 the person's guardian can no longer give consent with hospitalization. The hospitalized person also has the right to state the unlawfulness of his or her hospitalization even after the release in order to be able to claim compensation.

93. The psychiatric care in the Czech Republic is currently organized as follows. In 2012 there were 18 psychiatric sanatoria for adult patients with 8,847 beds, of which 188 beds were set aside for children patients, and three sanatoria exclusively for children with 250 beds. The total capacity of psychiatric departments in hospitals was 1,260 beds. Of the total amount of 9,254 beds, 3,000 were designated for acute care, i.e. approx. 30%, which is in compliance with the recommended ratio of acute and subsequent care beds (30:70); however acute care is often provided by psychiatric sanatoria without the suitable equipment for this kind of treatment. Ambulatory psychiatric care was provided by 30 psychiatric departments in hospitals. More data are included in Annex 9.

94. The majority of the psychiatric care is provided in psychiatric ambulances, where 2,834,000 examinations were performed and 578,413 patients were treated in 2012. In the Czech Republic there are 789 ambulatory psychiatrists funded predominantly from the public health insurance via payments for medical procedures. The statistics show that the increase in the number of patients with mental illnesses seeking ambulatory treatment is multiple times higher than the increase in the number of psychiatrists, who should provide this type of treatment. The long-term contact and relationship of the patient with the ambulatory psychiatrist allows the continuity of the patient's psychiatric care and sufficient mutual communication. However, the current system leads rather to an emphasis on quantity of procedures than their quality. Therefore in the future it is necessary to significantly improve and develop the intermediary care and psychotherapy by qualified psychiatrist and clinical psychologists and socio-psychiatric services, particularly specialized ambulances and emergency psychiatric aid in the field.

95. Ensuring the access to adequate mental health care is the dominant subject of the Strategy of the Reform of Psychiatric Care for the period 2014-2020, which has been prepared in compliance with the WHO Comprehensive Mental Health Action Plan 2014-2019. Currently the core of the provided care for the mentally ill is in the institutional environment and ambulatory care is covered by an often insufficient network of ambulatory specialists. One of the goals of the planned reform is the systematic development of community care. The main goals of the Strategy include the improvement of the quality of psychiatric care by a system change in the organization of its provision, the restriction of the stigmatization of mentally ill persons and the psychiatry in general, the improvement of the efficiency of the psychiatric care by early diagnosis and identification of the patient's problems, the satisfaction of users with the provided care due to its increased efficiency and humanization, the extended interconnection of medical, social and other follow-up services and the successful and full integration of mentally ill persons into society primarily by improving the conditions of their employment, education, housing etc. The Strategy primarily proposes the establishment of special Centres of Mental Health as a new form of psychiatric care with connection to the social sphere and measures leading to the extension of the network of providers of psychiatric care, including the follow-up services and restructuring of the bed care to achieve its better accessibility. This way the psychiatric care will be incorporated into the system of comprehensive care for the patient and his or her health and social development. Emphasis will be on the education of experts in new methods of treatment, care, rights and approach to patients and their integration into the normal life via cooperation with other actors such as social workers, family etc. The

improvement of material equipment of the sanatoria and the conditions in them will be also important as well as education of the general public about the subject of psychiatric care and its patients and psychological problems in the society in general.

Answer to question 19

96. The Czech Republic has a complex system of services for persons addicted to addictive substances. These are both social and health services, which provide a variety of care, counsel, treatment and re-socialization to the addicted persons. The system encompasses all elements from services for drug users to reduce the damage related to drug use to ambulatory and residential treatment programmes and re-socialization programmes.

97. The provided services include low-threshold programmes that provide "harm reduction" services (replacement of injections, medical treatment, testing for infection diseases related to drug use, information, social and healthcare counselling and motivational training). These are field programmes that work with the drug users directly within the drug scene environment and contact centres that provide counselling related to treatment and counselling for the addicts' parents and close persons. The Czech Republic has a system of ambulatory psychiatric facilities specializing on the treatment of addictions, which provide ambulatory treatment to persons addicted to tobacco, alcohol and other addictive substances or to pathological gamblers.

98. The substitution treatment, based on the prescription of substances that substitute the original addictive substance, is also available in the Czech Republic in an ambulatory form. Another form of ambulatory treatment are the day-care centres, which provides daily non-bed care to persons addicted to alcohol and other substances, whose condition requires daily care without the necessity to remove them from their environment. The residential treatment has the form of e.g. detoxification, which is aimed at managing the withdrawal effects or the intoxication with an addictive substance of patients, who do not require subsequent hospitalization. In case of the follow-up treatment it is possible to use the short- or mid-term institutional care in medical facilities with duration of up to 6 months. Another variant of the residential care is treatment in therapeutic communities with a programme of treatment and subsequent re-socialization, which takes place both in medical and non-medical facilities and lasts for 6 to 15 months. After the treatment ends it is possible to continue within the programmes of follow-up care. The follow-up treatment programmes in the Czech Republic provide psychotherapeutic services, relapse prevention, social work or even opportunities for re-qualification. These programmes may be supported with sheltered housing, which enables social stabilization in the form of temporary housing.

99. All these services are certified so that they are provided in compliance with the appropriate standards. As of the end of June 2013, 156 programmes had valid certification within nine categories: Detoxification, Field Programmes, Contact and Counsel Services, Ambulatory Treatment, Stationary Programmes, Short- and Mid-Term Institutional Care, Residential Care in Therapeutic Communities, Ambulatory Follow-Up Programmes and Substitution Treatment. Special treatment is available for drug addicts in prisons in the form of drugless zones, specialized treatment departments and counselling services provided by NGOs in prisons. Attention is also focused on the treatment and care for persons infected with HIV and those with AIDS and HCV, including injection users. There is also a range of self-help activities and counselling telephone and internet lines. More data are listed in Annex 10.

100. The coordination of the anti-drug policy is the task of the Government Council for Drug Policy Coordination. The key document is the National Strategy of the Anti-Drug Policy for the period 2010-2018, which is implemented through action plans with the current one being for the 2013-2015 period. The key objectives of the Strategy are the reduction of the drug abuse rate, particularly among the youth, by restricting the availability

of drugs via regulation of the market, supervision and criminal repression, treatment and social integration of drug users into society, elimination of negative effects of drug abuse and reduction of the risks related to the drug use for individuals and the society. The action plan deals with both the legal and illegal drugs as well as other forms of addiction such as gambling and focuses primarily on the availability of high-quality treatment and other services for drug addicts, prevention of drug abuse mainly among the youth through preventive activities in schools as well as the training of doctors to diagnose and treat addiction symptoms. The previous plan helped to create new methodologies and educational programmes for prevention and work with drug addicts as well as informational materials for the treated persons or persons who come into contact with drugs (e.g. operators of entertainment businesses). Attention still focuses on the regulation of stricter restrictions of the youth's access to alcohol and tobacco and on education in this issue. A Concept of the Network of Specialised Addictology Services is gradually being created since 2012, which newly defines types of health services for drug users and addicts. The situation in the area of drug use is analysed in annual reports.

Articles 13 and 14 – The right to education

Answer to question 20

101. The education of foreigners in the Czech Republic follows the same rules as the education of Czech citizens. EU citizens and their family members have access to free education under the same conditions as the Czech citizens. Other foreigners have access to primary education, school meals and leisure-time education during their stay. Therefore the state does not prevent any foreigners from fulfilling the compulsory primary education. The access to secondary and higher education is tied to the legality of the stay in the Czech Republic, i.e. is only available to foreigners who legally reside in the Czech Republic. The access to pre-school education, elementary art education or language education is only available to persons authorized to stay in the Czech Republic for a period of more than 90 days or for research purposes or if they are asylum seekers, persons enjoying subsidiary protection, seekers of international protection or persons enjoying temporary protection. The eligibility for access to education also applies to the family members of these persons. The access to tertiary education is not limited in any way as the conditions for admitting foreigners to university education must comply with the Czech Republic's international obligations. If the foreigner does not fall under the above specified categories, he or she is granted access to education, nevertheless different conditions might apply.

102. The education in the Czech Republic is usually provided in the Czech language. If the foreigner does not have the command of the language, he or she has the right to free preparation for the incorporation in elementary education including the teaching of the Czech language, which is adjusted to his or her needs. He or she can also petition for exception from the Czech language entrance exams. University education may also be provided in a foreign language; however in that case it is considered an extra service and a fee is charged.

Answer to question 21

103. The Czech Republic is aware of the problems within inclusive education. The Czech Republic adopted the National Action Plan of Inclusive Education in 2010 following the decision of the European Court of Human Rights in the case D.H. and others v. the Czech Republic. The goal of this Action Plan is to increase the rate of inclusive education and act preventively against social exclusion of individuals and groups.

104. In order to fulfil this plan changes were proposed to the regulations on pedagogical and psychological counselling and on education of children with special educational needs.

The recommendation to place a pupil into a programme for children with disabilities may be issued for a maximum period of one year. The pupils and their parents must be informed about the right to request additional counselling at any time. The conditions for placing a pupil into special education are always the recommendation of a school counselling facility along with the proposal of specific support measures, discussion of this recommendation with the pupil and his parents in order for them to understand its meaning and the informed consent of the parents. A pupil without disability cannot be educated within an educational programme for pupils with disabilities. A pupil without disability, who is physically or socially disadvantaged and who fails at the mainstream school over a long period of time and generally fails to cope with the mainstream education even with the use of all previous support measures, can be temporarily educated in a class established for pupils with disabilities; however according to the standard education programme of a mainstream elementary school. His or her stay in this class is restricted to a 5-month period, whereas he remains a pupil of the original school and is under the supervision of a pedagogic-psychological counselling centre, which recommends further steps in education and checks whether the reasons for the special education regime persist. Education is therefore always provided according to an appropriate educational programme based on expert assessment of the pupil's needs and an informed consent of his legal representatives.

105. The Ministry of Education, Youth and Sports also tries to support these changes by methodological guidance and education of teachers, school headmasters, psychologists and other pedagogic staff in counselling facilities in order for them to gain competences for work with pupils with various educational needs. The Ministry published interpretations and comments to the new regulations on its website. The Methodological Recommendation for Ensuring Equal Opportunities in Education of Socially Disadvantaged Children has been issued in 2010, which is based on the analysis of diagnostic tools and contains a set of specific recommendations for schools on how to support the educational success of socially disadvantaged pupils and create environment that is open to these children as well. It recommends concrete diagnostic procedures, which eliminate the risk of the distortion of the result in case of socially disadvantaged children. Thanks to the Centre for Support of Inclusive Education project and its regional centres it has been possible to support more than 340 elementary schools, where school psychologists and special teachers help pupils with their integration into the mainstream education. A network of 6 regional facilities with nationwide sphere of activity has been created within this project. The National Institute for Further Education organized a number of pedagogic courses for teachers with the aim to improve their competences in the area of inclusive education.

106. The Ministry of Education, Youth and Sports tasked the Czech School Inspectorate with the investigation of the impact of the above mentioned changes. The Czech School Inspectorate will focus on checking of how the practical elementary schools and school counselling facilities dealt in practice with the above mentioned changes in regulations. The Czech School Inspectorate's topical report "Process of Transformation of Former Special Schools in the Academic Year 2011/2012" was published in July 2012. The share of Roma pupils, who were educated according to the programme for pupils with mild mental disabilities, was estimated to be 26.4%, which is 8.6% lower than in 2009/2010.

107. The Ombudsperson's survey aimed at mapping the ethnic composition of pupils of selected former special schools was completed in 2012. The data on the ethnicity of the pupils has been provided by using two methods of gathering data – the observation method and the method of identification based on indirect criteria. The survey provided evidence that the Roma pupils are significantly overrepresented at the former special schools, which are now labelled as practical elementary schools. By using the observation method the Ombudsperson's staff identified 32% of Roma pupils at the monitored schools. The qualified estimate of the teachers reached 35%. Another survey was conducted by the Czech School Inspectorate in 2013. This survey included 483 schools which have more

than 5 pupils diagnosed with slight mental disability. The information about the number of Roma pupils in educational programmes was gathered based on qualified estimates of the school headmasters together with the class teachers. According to the findings almost 4,000 of the 15,000 pupils with mild mental disability were of Roma origin, which corresponds with their 28.2% share in the number of these pupils. These results confirm the decreasing trend in the number of pupils of Roma origin placed in the adjusted educational programmes. More detailed information regarding the representation of Roma pupils in schools can be found in Annex 11.

108. At the end of 2012, the Ministry of Education, Youth and Sports prepared an Action Plan to Fulfil the Decision in the Case D.H. and Others vs. the Czech Republic. The aim of the Action Plan was to adopt measures, which will eliminate procedures that could be the source of segregation of Roma pupils in education. The Plan proposes to implement a register of the pupils who are educated within the Framework Education Programme for Elementary Education – Annex Regulating the Education of Pupils with Slight Mental Disability and to ascertain the number of Roma pupils who are being educated within this Programme. This Annex should be reviewed as well as the tools for diagnosing slight mental disability so that they take into account social and cultural differences. The implementation of supervision of the diagnostics and counselling facilities is also related to this. The education of pupils without disabilities at schools for pupils with disabilities should be completely prohibited including the temporary diagnostic stays, which will be substituted by diagnostic observations in the original environment. The purpose of preparatory classes should also be reviewed. The funding of the primary schools should favour the education of socially disadvantaged pupils in normal classes rather than their transfer to special schools. An expert forum has also been established at the Ministry of Education, Youth and Sports, which will focus on matters of equal opportunities in education.

Article 15 – Cultural rights

Answer to question 22

109. The term socioculturally disadvantaged environment had been used in the Employment Act until 2012 and described one of the groups of job applicants, who should receive special attention within the AEP. This primarily meant the creation of individual action plans as described above, intensive application of AEP tools based on these plans and their regular updates and evaluation. Similarly to other categories this category was part of a demonstrative list of groups, which the labour authorities should focus on; however they did not have the obligation to limit their care exclusively to these groups and of course had to pay proper attention to every applicant. The amended Employment Act, effective since 1st January 2012, abolished this demonstrative list, which in practice seemed to be rather limiting. The amendment leaves the original criteria, based on which increased care is provided to applicants, such as health condition, age, child care or other serious reasons and newly implements the possibility for the applicant to ask for an individual action plan at any time. This enables the Labour Offices to adopt a more precisely targeted approach to the needs of the job applicants. In other areas such as housing or education the persons from socioculturally disadvantaged environment may use the support tools described above.

Answer to question 23

110. The Act on the Rights of Minorities declares in its preamble the will to protect, respect and guarantee the rights of minorities and defines individual rights of members of national minorities. These are the free choice of allegiance to a national minority, the right

to assembly of the members of the minority, right to use the name and surname in the language of the minority, the right to solve matters related to the national minority, the right to multi-language names and signs, the right to use the language of the minority in official matters, in court and in electoral matters, the right to education in the language of the minority, the right to development of the culture of the members of the national minorities and the right to disseminated and receive information in the language of the national minority. The state shall create conditions for preservation and development of the culture, traditions and languages of the members of national minorities, which traditionally and for a long period live in the Czech Republic. The state primarily supports programmes aimed at theatres, cinemas, galleries, libraries, documentary activities and other activities of the members of minorities. For this purpose the state provides funds from the state budget.

111. As for the specific rights, the member of a national minority has the right to receive education in his language in a municipality, where according to the last census at least 10% of the inhabitants claimed to be of his nationality. Another condition is also the sufficient interest of the minority members. If the stipulated numbers of pupils are not met, some subjects may be taught bilingually if the founder of the school gives his consent. The media laws stipulate that the public radio and TV broadcast have to develop the cultural identity of the people of the Czech Republic including the members of national or ethnic minorities. Periodical press is published and radio and TV broadcasts are in the language of some of the national minorities or spread information about national minorities. Museums and galleries have the obligation to organize programmes every year for the general public including specific groups of visitors, e.g. children and youth, people with disabilities, elderly persons and members of national minorities.

112. The right to participate in solving of issues related to national minorities is applied at the national level through the Government Council for National Minorities, which is an advisory body of the Czech government for matters related to national minorities. The Council comprises of representatives of the public authorities and national minorities, who make up more than half of the Council members. The Council monitors the fulfilment of the Czech Republic's international obligations related to the rights of national minorities and ensures the preparation of government measures to tend to their needs in the areas of education, culture and the media, the use of the mother tongue or the social and cultural life. The Council prepares summary reports for the government regarding the situation of national minorities in the Czech Republic, cooperates with bodies of local administration to ensure the practical application of the state's national minority policy and participates in the allocation of funds from the state budget to support the activity of members of national minorities.

113. Pursuant to the government regulation support is provided to the activities of members of national minorities related to culture, education and minority languages. These are artistic activities, cultural and educational activities, the study and analyses of the national culture and folk traditions, multi-ethnic cultural events, publishing activity, documentation of the national culture etc. These activities are primarily conducted by associations of national minority members, whose numbers are listed in Annex 12. Apart from this regular support there is a possibility of ad hoc projects with various aims, such as the state subsidy to establish minority schools, grants to build memorials of the minorities, financial participation in the construction of the House of National Minorities in Prague, etc.

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